

**REMARKS**

Claim 56 has been amended. Therefore, claims 55-72 and 82-83 are currently pending in this application. Claim 56 has been amended to claim that the average fructose content is at least 55% of the total soluble sugar. Applicant respectfully states that the prior art cited by the examiner, Elmstrom et al., does not describe a watermelon variety producing fruit having a fructose content of at least 55% of the total soluble sugar, let alone a variety that produces fruit having a combined content of fructose and sucrose of at least 90% in the ripe fruit.

Applicant hereby elects, without traverse, Group I, claims 55-72 and 82-83, drawn to a watermelon variety and fruit with elevated fructose or sucrose content, with equal or reduced total sugar content, devoid of bitterness and having superior sweet taste characteristics and suitable for commercial scale cultivation, and methods of crossing it.

Applicant expressly reserves the right to file one or more divisional or continuing applications to protect the inventions of the non-elected group and other disclosed, but unclaimed, subject matter prior to the issuance of this application.

Respectfully submitted,

August 18, 2008  
Date

/Rodney J. Fuller/  
Rodney J. Fuller (Reg. No. 46,714)

**FENNEMORE CRAIG**  
Customer No. 27,887

602-916-5404